

# EXHIBIT A

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

THOMAS ROGER WHITE, JR., and  
PATRICIA CAULEY, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendant.

Civil Action No. 17-01775 (MCA) (JSA)

Hon. Madeline Cox Arleo, U.S.D.J.

Hon. Jessica S. Allen, U.S.M.J.

**PLAINTIFFS' FIRST SET OF  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS TO DEFENDANT  
SAMSUNG ELECTRONICS  
AMERICA, INC.**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs submit the following Requests for Production of Documents to Defendant Samsung Electronics America, Inc. Within thirty (30) days of service, responses to these Requests, as well as any responsive documents, should be delivered, or made available for inspection and copying, at the offices of The Mack Firm, 18 Watergate Lane, Patchogue, NY 11772, or at another place mutually agreed upon by the parties.

**DEFINITIONS**

In addition to the definitions set forth in the Federal Rules of Civil Procedure and the Local Rules of this Court, the following definitions apply to the instructions and each of the Requests below. In the event of any ambiguity with one or more of the following definitions, common usage and reference to any cited rules, statutes, or regulations should be used to provide the broadest interpretation of the term in question.

1. “Action” means the lawsuit captioned as *White, et al. v. Samsung Electronics America, Inc.*, Case No. 17-01775 (MCA) (JSA) (D.N.J.).

## **REQUESTS FOR PRODUCTION**

### **Request No. 1:**

Documents sufficient to identify, by model number, model and year, and serial number, the Samsung SmartTVs sold during the Relevant Period.

### **Request No. 2:**

Documents sufficient to show the number of and serial number ranges for Samsung SmartTVs, as described in Request No. 1, sold during the Relevant Period.

### **Request No. 3:**

For each version of each process in effect during the Relevant Period, Documents, including video recordings and screen shots, sufficient to show the User Engagement Flow process, including dated screen shots reflecting each step of these processes.

### **Request No. 4:**

For each version of each process in effect during the Relevant Period, Documents, including video recordings and screen shots, sufficient to show the terms and conditions or other documents shown to a User if they select “view details” during the User Engagement Flow process, as described in Paragraph 5 of the Abuali Declaration and Paragraph 5 of the Chung Declaration, including dated screen shots reflecting each step of these processes.

### **Request No. 5:**

For each version of each process in effect during the Relevant Period, Documents, including video recordings and screen shots, sufficient to show the terms and conditions, policies, or other documents presented to a User if they opt out during the User Engagement Flow, as described in Paragraph 7 of the Abuali Declaration and Paragraph 7 of the Chung Declaration, including dated screen shots reflecting each step of these processes.

### **Request No. 6:**

For each version of each process in effect during the Relevant Period, Documents, including video recordings and screen shots, sufficient to show the process of creating a Samsung Account on a Samsung SmartTV during the Relevant Period, including dated screen shots reflecting each step of these processes.

**Request No. 7:**

Documents regarding User experience testing or studies concerning the processes described in Requests Nos. 3, 4, 5, and 6.

**Request No. 8:**

Documents sufficient to show work requests or tickets reflecting changes made (or requested to be made) to the processes described in Requests Nos. 3, 4, 5, and 6.

**Request No. 9:**

Documents concerning the implementation of work requests or tickets responsive to Request No. 8.

**Request No. 10:**

Documents reflecting all versions of the Samsung Terms and Conditions, policies, notices, supplements, or other documents relating to Samsung's collection of Users' Personal Information from Samsung SmartTVs.

**Request No. 11:**

Documents sufficient to show the number of Samsung SmartTV users who purportedly consented to the Samsung Terms and Conditions, policies, notices, supplements, or other documents described in Request No. 10.

**Request No. 12:**

Documents sufficient to show the number of Samsung SmartTV users who did not consent to the Terms and Conditions, policies, notices, supplements, or other documents described in Request No. 10.

**Request No. 13:**

Documents reflecting all versions of any physical copies of the Samsung Terms and Conditions, policies, notices, supplements, or other documents relating to Samsung's collection of Users' Personal Information from Samsung SmartTVs and included with the SmartTVs at the time of sale.

**Request No. 14:**

Documents sufficient to show all categories maintained by Samsung in its database showing “the choices and consents that the specific user selected” as described in Paragraph 9 of the Abuali Declaration and paragraph 9 of the Chung Declaration.

**Request No. 15:**

Documents reflecting the factual bases for the assertions set forth in the Abuali and Chung Declarations.

**Request No. 16:**

To the extent not produced in response to Request No. 15, all relevant business records referenced in paragraph 1 of the Abuali Declaration and paragraph 1 of the Chung Declaration.

**Request No. 17:**

Documents regarding the design and functionality of Samsung SmartTVs and Samsung’s TV app store, including the functionality of Samsung’s ACR and other functionality relating to Samsung’s collection of Plaintiffs’ Information from their SmartTVs.

**Request No. 18:**

Documents regarding the design and functionality of the Samsung SmartTV operating system (including, but not limited to, Tizen OS) and app store (including, but not limited to, Tizen app store, TV Plus & Smart Hub).

**Request No. 19:**

All versions of Samsung developer terms and conditions, policies, notices, supplements, or other documents relating to Samsung’s collection of Plaintiffs’ Information from their SmartTVs.

**Request No. 20:**

Documents, data, and Information related to or associated with the Plaintiffs, including documents, data, or information connected to identifiers associated with Plaintiffs and all data collected from their Samsung SmartTVs, as well as the following:

- a) Personal identifiers, including Samsung Account ID;

- b) Device identifiers, including device unique identifier (“DUID”), device Serial Numbers, and media access control (“MAC”) addresses;
- c) Personalized Service Identifiers (“PSID”), Tizen Identifier for Advertising (“TIFA”), or other advertising identifiers;
- d) Location information, including zip codes and IP addresses;
- e) Video viewing history;
- f) Demographic information, including sex, age, income, marital status, household size, education, home ownership, household value, and interest/audience attributes or segments;
- g) Communications history;
- h) Sign-in history;
- i) Voice interactions; and
- j) Information about Plaintiff’s device settings and/or controls, including but not limited to the Limit Ad Tracking (“LAT”) control.

**Request No. 21:**

Documents sufficient to show the number of and serial numbers for SmartTVs sold during the Relevant Period for which there is no associated DUID.

**Request No. 22:**

Documents sufficient to show the number of and serial numbers for SmartTVs sold during the Relevant Period for which there is an associated DUID.

**Request No. 23:**

Documents sufficient to show the Information—including PSID, TIFA, Samsung Account identifiers, IP Address, MAC Address, or other device identifiers—associated with the DUID of the Plaintiffs’ SmartTV.

**Request No. 24:**

Documents sufficient to show the Information—including PSID, Samsung Account identifiers, IP Address, MAC Address, or other device identifiers—associated with Serial Numbers of the SmartTVs used by the Plaintiffs.

**Request No. 25:**

Documents and communications related to Samsung's collection and storage of data and SmartTV users' Information, including privacy policies, retention policies, other guiding or informative documents, that describes the who, what, where, how, and when of the data and information collected and stored.

**Request No. 26:**

Organization charts or other Documents sufficient to identify and describe:

- a) All Samsung officers, employees, and contractors, by title, job description and corresponding time period in those roles, with knowledge or responsibilities relevant to the claims and facts described in the Second Amended Complaint, regardless of whether such knowledge and responsibilities accrued before or after the Relevant Period; and,
- b) By department title and functionality over time, Samsung's global organizational structure, including parent companies, subsidiaries, affiliates, departments, and divisions to the extent these have responsibility for, knowledge of, or provide funding or indemnity for the claims asserted in the Second Amended Complaint.

**Request No. 27:**

Documents and communications regarding Your discussion, analysis, and response to the Electronic Privacy Center's ("EPIC") complaint to the Federal Trade Commission ("FTC") (*see* ECF No. 88-6), including but not limited to communications with EPIC or the FTC regarding the complaint.

**Request No. 28:**

Documents relating to partnerships or agreements Samsung entered into with third parties relating to Samsung's Content-Recognition Capability, including but not limited to ACR.

**Request No. 29:**

Documents reflecting the factual bases for each defense set forth in Samsung's Answer and Affirmative and Other Defenses of Samsung Electronics America, Inc., to the Second Amended Class Action Complaint, ECF No. 210, dated April 12, 2023.

**Request No. 30:**

Documents supporting, refuting, or otherwise related to Your basis for seeking summary judgment motion in this action.

Dated: May 9, 2023

By: s/ Mack Press  
MACK PRESS  
mack@mackpress.com  
THE MACK FIRM  
18 Watergate Lane  
Patchogue, NY 11772  
Telephone: (516) 330-7213

Javier Bleichmar (*pro hac vice*)  
BLEICHMAR FONTI & AULD LLP  
7 Times Square, 27th Floor  
New York, New York 10036  
Telephone: 212-789-1340

Lesley E. Weaver (*pro hac vice*)  
Angelica M. Ornelas (*pro hac vice*)  
Joshua D. Samra (*pro hac vice*)  
BLEICHMAR FONTI & AULD LLP  
555 12th Street, Suite 1600  
Oakland, California 94607  
Telephone: (415) 445-4003

***Attorney for Plaintiffs***